

Statement of Claim
Continued from IT cont III

1. Plaintiff arrived at the Delaware Correctional Center on January 20, 2004 with a broken Right hand which arose at the prison receiving room, Plaintiff requested to see a physician and saw a Registered Nurse Ie, RN Pine concerning treatment for a broken Right hand earlier that night after I was Transferred into General prison population.
- 2) Plaintiff went to the DCC Hospital and saw a Registered Nurse (RN) who declined to wrap and splint his hand (note: the name of this RN) is unknown at this time by Plaintiff) - however said RN gave Plaintiff a carton of 600 mg of ibuprofen and a ice pack. Plaintiff informed said (RN) that he believed that his hand was broken, later that night unknown to Plaintiff who declined to wrap or splint Plaintiff hand because in said RN's words he didn't want to wrap it and get it wrong.
- 3) on January 22, 2004, Plaintiff saw a doctor Ali Horner who gave Plaintiff a check up and told Plaintiff that it was obvious that his hand was broken. Said Dr. Ali also told Plaintiff that she would put Plaintiff down for X-Ray and a cast as soon as possible. on January 22, 2004 Plaintiff was transferred to MHU from C-Bldg. Plaintiff confronted the Bldg Sgt. on numerous occasion and different Staff to request to see the nurse because of the unbearable pain and swelling of his hand.

4) plaintiff was told by the MTHU sgt's (Name unknown) to put in a sick call slip. Finally on February 26, 2004 plaintiff was seen by a Nurse Avarie, who gave plaintiff a three (3) day supply of motrin. Plaintiff was accompanied to medical by Correctional officer. Paul Unsworth, the MTHU Building 23. B-Tier officer who work on the 4-12 shift

5) on several other occasions, plaintiff was told by several other MTHU correctional officer i.e; sgt ski on the 4-12 shift at MTHU and correctional officers Abernethie and McLean to put in for sick call. Co Abernethie and McLean works 8-4 shift

6) on January 28, 2004, plaintiff put in a sick-call for treatment of his hand to no avail. Then on February 1, 2004, plaintiff filed a Grievance about not being seen by the x-ray technician and substitution as prescribed by doctor Al Horner on January 22, 2004. Plaintiff put in another sick-call on Feb 10, 2004 and filed another Grievance and was seen on February 14, 2004 by the Head (RNS) Brenda Holwerda who examined plaintiff's hand and stated she was sorry that she didn't know who it was who told me (plaintiff) that I would be taken care of by February 18, 2004. The following Wednesday, plaintiff was given 800 mg of motrin and saw the x-ray technician who confirmed that plaintiff had a broken hand that was starting to melt on its own.

7) on Thursday, February 20, 2004, plaintiff again saw in Brenda Holwerda who stated that she wanted him to relinquish his grievance chief medical officer, for (GCM) medical services contractual staff Brenda Holwerd and plaintiff signed a Doctum stating that plaintiff will go outside the prison to get my hand fixed, i.e.: proper medical treatment.

8/ 05 as a precaution plaintiff requested a copy of said Doctor in
Agreeing to send him (plaintiff) to a outside physician R.N. Blend &
thereafter stated she would send a copy of said Doctrine via the
mail. To date plaintiff never did receive Elective Surgery cast ect. nor
has he been transferred back to said Doctor as her recommended Re-checking
procedure The 4.4 Standard operating procedure for Grievances provides (3) days
To conclude a Level I informal grievance, The grievance was filed on 2/1/04
but the Level I grievance was not done until 2/20/04 This is 19 days
or rather 16 days to late beyond the scope of the grievance process. A
direct result of this delay is that I saw the outside doctor too late
(See Consultation order prepared by Dr. Dushuttle on 3-2-04 this delay
directly resulted in permanent injury to my hand Defendant CISA, Merson
has acted with a Requisite or culpable stat of mind Defendant Merson, CISA
Knew and disregarded an excessive risk to plaintiff's health or safety Defendant
Merson, CISA knew and was aware of plaintiff's broken right hand yet ignored
Administering the adequate and proper treatment because of the delay
in treatment, plaintiff hand was never set in a cast resulting in a
permanent bump. Defendant's has acted with reckless disregard for
plaintiff's condition and knew of the plaintiff need for medical
Treatment and intentionally refuse to provide it. And delay necessary
medical treatment based on a non-medical reason. And prevents plaintiff from
receiving needed and recommended medical treatment

Attached Statement of Claim continued

From IV . count IV

1.) Plaintiff arrived at the Delaware Correctional center on January 20, 2004 with a broken hand. While housed at the prison receiving room, Plaintiff requested to see a physician and saw a Registered Nurse. i.e., RN. for conserving treatment for a broken right hand earlier that night after I was transferred into the general prison population

2.) Plaintiff went to the DCC hospital and saw a registered nurse (RN) who declined to wrap and splint his hand. Note: the name of this (RN) is unknown at this time by Plaintiff. However, said RN gave Plaintiff a carton of 600 mg of ibuprofen and a ice pack. Plaintiff informed said (RN) that he believed that his hand was broken, later that night Plaintiff went back to the prison hospital and saw another (RN) presently unknown to Plaintiff who declined to wrap and splint Plaintiff's hand because in said (RN) (nurse's) word he ~~did not want to wrap it and get it wrong.~~

3.) on January 22, 2004, Plaintiff saw a doctor at Hospital who gave plaintiff a check-up and told plaintiff that it was obvious that his hand was broken. Said Dr. also told plaintiff that she would put plaintiff down for X-Ray and a cast as soon as possible. On Jan 22, 2004 plaintiff was transferred to MTF from C-Bldg. Plaintiff approached the Building 591 on numerous occasions and different shifts to request to see the nurse because of the unbearable pain and swelling of his hand.

4.) Plaintiff was told by the MTF 591 (Name unknown) to put in a sick-call slip. Finally on Feb 26, 2004 plaintiff was seen by a Nurse Quanice, who gave plaintiff a three day supply of Motrin. Plaintiff was accompanied to medicine by Correctional Officer and unspoken the MTF Building 23 B-tier officer who works on the 4-12 shift.

5.) on several other occasions, plaintiff was told by several other MTF correctional officers i.e. Sgt. SKI on the 4-12 shift at MTF and Correctional Officer Abernacke and McBrain do put in for sick-call to Abernacke and McBrain work 8-4 shift.

6.) On January 28, 2004 plaintiff put in a sick-call for treatment of his hand to no avail; then on Feb 1, 2004, plaintiff filed a administrative medical Grievance about not being seen by the X-ray technician and obstetrician as prescribed by the doctor Althamer on January 28, 2004, Plaintiff put in another sick-call on February 10, 2004 and filed another Grievance and was seen on February 14, 2004 by -Head RN Brenda Holwerda, chief medical officer examined Plaintiff's hand and stated she was sorry that she didn't know who it was who told the Plaintiff that s would be taken care of by February 18, 2004 The following wednesday Plaintiff was given 800 mg of motrin for the first time and Plaintiff was in some really severe pain and saw the X-Ray technician who confirmed that Plaintiff's hand was broken and was starting to mend on its own.

7.) On Thursday, February 20, 2004, Plaintiff again saw chief medical officer Brenda Holwerda who stated that she wanted Plaintiff to exhaust all administrative remedy's as are available by signing a piece of paper "Doctrine" of medical services contractual staff interview. Plaintiff agreed and signed the Doctrine. The Plaintiff was told by chief medical officer Brenda Holwerda that he would go outside the prison to get my hand fixed ie; proper medical attention which never took place.

8), Plaintiff Agreed as a premature resolution to his Feb 1, 2004 and his Feb 16, 2004 Grievances (Id.) informal resolution and Defendants agreed to treat Plaintiff with proper medical care but never did Plaintiff was under the impression that he would receive the appropriate medical attention as a resolution to his two grievances. Plaintiff never received Elective Surgery Hand cast Ect. On 3-2-04 Plaintiff transferred to a outside doctor and he recommended re checking in 6 weeks. The Plaintiff was never taken back to said Dr. Dushuttle Plaintiff filed another grievance on 2-22-05 with regards to my elective surgery because Plaintiff still experiencing pain in the region which was disregarded (Id. Grievance dated 2-22-05). The Defendant, Angela Wilson was deliberately indifferent to Plaintiff's services medical needs on 9-15-04 Defendant Angela Wilson was served with process return of service executed by USM Services on 9-18-04. Plaintiff was diagnosed by first correctional medical physician Doctor Al flower. After finding a broken right hand said Doctor flower ordered X-ray and a hand cast on 1-22-04 Plaintiff filed several sick call slips about the delay starting medical attention still Plaintiff received if Plaintiff filed a medical administrative grievance about the substandard medical treatment Plaintiff continued to file Grievances and sick call slips on 2-1-04 and a second on 2-10-04 Plaintiff was confronted on February 14, 2004. By Defendant chief medical officer Brenda Flowers from the medical services contractual staff. Directly responsible to the institution in left the sick call grievances

9). Plaintiff was given Motrin for pain by Holwerda, but she did not want an X-Ray Plaintiff's hand on February 18, Plaintiff received his X-Ray. The technician confirmed that Plaintiff had a broken hand. The technician also determined that Plaintiff's hand was beginning to mend itself on Feb 20 2004 Plaintiff was seen by Holwerda in Ref: Medical Services Contractual Staff interview; Holwerda told Plaintiff that he would be examined by a outside physician. on 3-2-04 Plaintiff was transferred to a doctor. Dushuttle. This verifying medical evidence by the Doctor who examined Plaintiff's hand own admission, stating that Plaintiff hand had already started healing on its own due to the non-treatment by Defendants clearly demonstrates Defendants' delay in elective surgery Plaintiff offers the expert medical testimony identifying the alleged deviation from the Applicable Standard of care (See consultation order prepared by Mr. Dushuttle said Doctor Dushuttle recommended re-checking in 6 weeks The Defendants failed to carry out the prescribed orders of its own doctor (Id. physician's order sheet, same new orders below, where clearly Defendant chief medical officer Benda & Holwerda own admission, stating; repeat Above order not done demonstrate Defendants' reckless disregard for Plaintiff condition. Plaintiff filed several sick-call slip about the unbearable pain and swelling of his hand and filed Grievances to this fact, stating need audience when still Plaintiff received it. To no avail. The Plaintiff request were unanswered until Feb 14 the Plaintiff was given 800 mg of motrin for the first time and Plaintiff was in some really acute severe pain.

Defendant Angelia Wilson directly participated in the infliction on 9/15/04

10) Despite the fact That Defendant Angelia Wilson was served process with regards to C.A. # 04-176-GMS The Defendant has failed to remedy the wrong. Plaintiff filed a Administrative Medical Grievance on 2.27.05 which was disregarded (Id. Grievance, 2.27.05). The substandard medical treatment provided to plaintiff was arbitrary Capricious and cruel the medication provided to the plaintiff. 800 mg of motrin was nothing more than a cursory method of treatment and has prevented plaintiff from receiving needed and recommended medical treatment and persist in a particular course of treatment in the face of resultant pain and risk of further significant injury and has delayed necessary medical treatment based on a non-medical reason. The Defendant Angelia Wilson, has acted with a culpable state of mind. Defendant knew and disregarded an excessive risk to plaintiff's health or safety. Defendant knew of and were aware of plaintiff's broken hand yet ignored administering the adequate and proper treatment. The defendant knows of the plaintiff need for medical treatment but intentionally refuse to provide it. Plaintiff has a serious medical and he has demonstrated that the medical deprivation was objectively serious and that Defendants (first correctional medical, Brenda Hauverda, Lisa Mason, Angelia Wilson) Subjectively know about the deprivation and refuse to remedy it. Defendants conduct demonstrates a knowing indifference to plaintiff's serious medical needs. Defendants extreme conduct has caused severe emotional distress to plaintiff. Defendants failure to adequately treat plaintiff's condition has resulted in further significant injury and chronic and persistent pain for him and affected his daily activities and persist with Reckless disregard for plaintiff's condition. because of the delay in treatment plaintiff hand was never set in a cast. Resulting in a permanent bump.

11.) Defendant. Wilson, Angelia, Regional H.R. Manager of First Corrections has been aware of this problem since 9/17/04 as verified by -ocket # of Civil Action # 04-cv-176.) Since 9/17/04 Mrs Wilson has not exercised her Supervisory Authority to alleviate this on going problem. Her inaction since 9/17/04 is deliberate indifference. Plaintiff asserts: I am trained as a master carpenter. I will not be able to work as a master carpenter with my hand in this condition. The failure of the Defendants to act on the broken hand has caused serious and permanent injury to my hand. This injury, if not corrected will effect my future earnings potential for the rest of my life. A master carpenter can earn \$60,000 a year without the full use of my hand. Plaintiff will only be qualified for minimum wage jobs with an earning potential of about 15,000, a year. The Defendants' deliberate indifference could cause me actual damages of \$25,000 apd.

(Attached sheet Statement of claim continued from)
 (j. IV cont II), cont VI

1) Plaintiff Arrived at the Delaware Correctional center on January 26, 2004 with a broken Right Hand while Housed at the prison Reciting Room Plaintiff Requested to see a physician and saw a Registered Nurse ie, RN. prior concerning treatment for a broken hand, Right, later that night after I was Transferred into the prisons general population,

2) Plaintiff went to the DCC Hospital and saw a RN. who declined to wrap and splint his hand (Note: the name of this RN is unknown at this Time by Plaintiff) However said RN. gave Plaintiff a capsule of 600 mg of ibuprofin and a Ice pack. Plaintiff informed said (RN) that he believed that his hand was broken. Later that night Plaintiff went back to the prison Hospital and saw another (RN) presently unknown to Plaintiff who also declined to wrap or splint Plaintiff's hand because in said RN's words he didn't want to wrap it would get it wrong

3) on January 26, 2004 Plaintiff saw a Doctor at Hanoi who gave Plaintiff a cast of and told Plaintiff that it was obvious that his hand was broken. Said Dr. Ali also told Plaintiff that she would put Plaintiff down for X-ray and a cast as soon as possible. On January 27, 2004 Plaintiff was transferred to MDCI from C-Bldg. Plaintiff confronted the Building Stg on numerous occasions and different shifts to request to see the nurse because of the unbearable pain and swelling of his hand.

4.) Plaintiff was told by the MHS Sgts to put in a sick-call slip. Finally of February 26, 2004 Plaintiff was seen by a nurse avarie, who gave Plaintiff a three day supply of Motrin. Plaintiff was accompanied to medical by corrections officer paul unsworth the MHS Building 23 B Tier officer who work the 4-12- Shift

5.) on several other occasions on different shifts, Plaintiff was told by several other MHS corrections officers i.e., Sgt on the 4-12 Shift at MHS and corrections officer Sgt Abernackie and corrections officer McLean to put in for a sick-call. (o Abernackie and McLean work 4-4 shift

6.) on January 28, Plaintiff put in a sick-call for treatment of his hand to no avail. Then on February 1, 2004 Plaintiff filed a Administrative As prescribed by Doctor H. Homer on January 22, 2004 Plaintiff put in another sick-call on feb 10, 2004 and filed another grievance and was seen on february 14, 2004 by the Head (RN) Brenda Holweldt who examined Plaintiff hand and stated she was sorry That/she didn't know who it was who told Plaintiff that I would be taken care of by February 18, 2004 The X-Ray technician who confirmed that Plaintiff's hand had a broken bone that was starting to mend on its own

7.) on Thursday, February 20, 2003 plaintiff Agora saw RN Brenda Abiwarda, who stated that she wanted him to register his grievance w/ FCM medical services contractual staff infirmary Bredan Abiward and plaintiff agreed to exhaust all administrative remedy as are available plaintiff signed a Doctrine stating that plaintiff will be outside the prison to get any hand fixed ie, proper medical treatment. Id informal resolution.

8.) As a precaution plaintiff requested a copy of said Doctrine regarding who send him (plaintiff) to a outside physician R.N Brenda Abiwarda stated she would send a copy of said Doctrine via the mail. To date, plaintiff has not received said Doctrine or has he been sent to an outside Doctor in regard to his severe broken hand for medical treatment. Plaintiff's hand remains broken and untreated as of the date of this Complaint. Plaintiff never did receive elective surgery and cast ect.